

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.

05 JUN 21 AM 6:50

UNITED AUTO GROUP, a Delaware Corp.

ROBERT R. DI TROIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

Plaintiffs,

v.

ADAM EWING and ANDREW BARBEE,

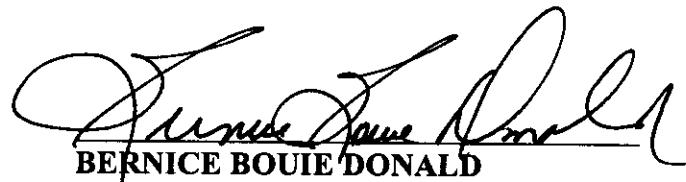
Defendants.

No. 04-2802 D/P

**ORDER DENYING AS MOOT DEFENDANTS' MOTION TO DISMISS OR TO STAY
ALL PROCEEDINGS**

Before the Court is the Defendants Adam Ewing and Andrew Barbee's ("Defendants") April 22, 2005, motion (dkt. # 70) to dismiss or, in the alternative to stay all proceedings until the Shelby County Chancery Court had an opportunity to rule on the rights of all parties to the Settlement Agreement. The Chancery Court case has since been removed to federal court (case no. 05-2323 D/V), and was non-suited on May 17, 2005. Therefore, since the state case that formed the basis for the instant motion is no longer pending, the motion to dismiss, or in the alternative to stay, is now moot. Thus, Defendants' motion to dismiss or to stay all proceedings is denied as moot.

IT IS SO ORDERED this 20 day of June, 2005.



BERNICE BOUIE DONALD
UNITED STATES DISTRICT JUDGE

This document entered on the docket sheet in compliance
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(84)



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Honorable Bernice Donald
US DISTRICT COURT